

REMARKS

The Applicant appreciates the courteous and complete examination of the application by the Examiner. In view of the foregoing amendments and the following remarks, a reconsideration of the instant application is respectfully requested.

The Examiner imposes an election/restriction to claims 1-28 as they do not relate to a single general inventive concept under PCT Rule 13.1.

PROVISIONAL ELECTION OF CLAIMS WITH TRAVERSE UNDER 37 CFR 1.143

The Applicant provisionally elects claims 1-15 (Group I) with traverse, and withdraws claims 16-28 (Group II) without prejudice or disclaimer of the subject matter thereof for possible future rejoinder.

In order to expedite the prosecution of this application, elected claims 1-15 have been amended to more definitely point out and distinctly claim the subject matter which applicant regards as the invention, and to correct possible informalities. Claims 1-15 are now in this application. Additionally, withdrawn claims 16-28 have been amended so as to more distinctly relate to the method of elected claims 1-15.

The Examiner stated that “while the device does not require any incision and could be used with other areas of the body”. The Applicant has amended now withdrawn independent claim 16 to further describe the device as a penis curvature correcting device having longer rules for determining a central penis axis and tangential lines on a the penis, and shorter rules for determining perpendicular lines on the penis. The elected method claims use these lines in assistance with an incision on the penis. Support for these amendments is found in paragraphs 0153-0155 of the present published application. Therefore the Applicant respectfully believes that the amendments to withdrawn claim 16 provide sufficient special technical features to correspond with elected claims 1-15, and removal of the restriction and rejoinder of claims 16-28 is requested.

Withdrawn claims 17-28 are felt to share corresponding special technical features with elected claims 1-16 because of their above-mentioned dependency from amended claim 16.

Conclusion

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicant reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Applicant has endeavored to address all of the Examiner's concerns as expressed in the Office Action. Accordingly, amendments to the claims, the reasons therefor, and arguments in support of patentability of the pending claim set are presented above. Any claim amendments which are not specifically discussed in the above -remarks are made in order to improve the clarity of claim language, to correct grammatical mistakes or ambiguities, and to otherwise improve the clarity of the claims to particularly and distinctly point out the invention to those of skill in the art. Finally, Applicant submits that the claim limitations above represent only illustrative distinctions. Hence, there may be other patentable features that distinguish the claimed invention from the prior art.

With the above amendments being fully responsive to all outstanding rejections and formal requirements, it is respectfully submitted that the claims are now in condition for allowance, and a notice to that effect is earnestly solicited. Should the Examiner feel that there are further issues which might be resolved by means of telephone interview, the Examiner is cordially invited to telephone the undersigned at (403) 444-5695, or email at davidguerra@internationalpatentgroup.com

A one month extension of time fee of \$65.00 is provided.

Respectfully Submitted,

/David A. Guerra/

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CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO, electronically submitted using EFS-Web, or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

On (Date) 11/30/2009 by David A. Guerra /David A. Guerra/